

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK  
MANHATTAN DIVISION**

<p><b>Inventergy LBS, LLC,</b>  Plaintiff,  v.  <b>Trackimo Inc.</b>  Defendant.</p>	<p>Case No. _____  Patent Case  Jury Trial Demanded</p>
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**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Inventergy LBS, LLC (“Inventergy”), through its attorney, Isaac Rabicoff, complains of Trackimo Inc., (“Trackimo”), and alleges the following:

**PARTIES**

1. Plaintiff Inventergy LBS, LLC is a corporation organized and existing under the laws of Delaware and maintains its principal place of business at 900 East Hamilton Avenue, Campbell, CA 95008.

2. Defendant Trackimo Inc. is a corporation organized and existing under the laws of Delaware that maintains its principal place of business at 450 Seventh Ave, Suite 1408, New York, NY 10123.

**JURISDICTION**

3. This is an action for patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

4. This Court has exclusive subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

5. This Court has personal jurisdiction over Trackimo, because it has engaged in systematic and continuous business activities in the Southern District of New York. Specifically, Trackimo provides a full range of products to residents in this District. Trackimo is also headquartered in this District. As described below, Trackimo has committed acts of patent infringement giving rise to this action within this District.

#### VENUE

6. Venue is proper in this District under 28 U.S.C. § 1400(b) because Trackimo has committed acts of patent infringement in this District, is headquartered in this District. In addition, Inventergy has suffered harm in this district.

#### THE PATENT-IN-SUIT

7. Inventergy is the assignee of all right, title and interest in United States Patent No. 8,760,286 (the “’286 Patent”) including all rights to enforce and prosecute actions for infringement and to collect damages for all relevant times against infringers of the Patent-in-Suit. Accordingly, Inventergy possesses the exclusive right and standing to prosecute the present action for infringement of the Patent-in-Suit by Trackimo.

#### **The ’286 Patent**

8. On June 24, 2014, the United States Patent and Trademark Office issued the ’286 Patent. The ’286 Patent is titled “System and Method for Communication with a Tracking Device.” The application leading to the ’286 Patent was filed on April 10, 2012; which was a continuation of U.S. Application No. 12/322,941, that was filed on February 9, 2009; which claims priority from provisional application number 61/065,116, that was filed on February 8, 2008. A true and correct copy of the ’286 Patent is attached hereto as Exhibit A and incorporated herein by reference.

9. The '286 Patent is valid and enforceable.

10. The inventors recognized that there was a need for a system and method for providing enhanced communication with tracking devices, while minimizing power consumption and network air time. Ex. A, 1:42–48.

11. The invention in the '286 Patent provides a tracking device with a location detector, communication device, memory processor and configuration routine. *Id.* at 1:65–67.

### COUNT I: INFRINGEMENT OF THE '286 PATENT

12. Inventergy incorporates the above paragraphs herein by reference.

13. **Direct Infringement.** Trackimo has been and continues to directly infringe at least Claim 1 of the '286 Patent in this District and elsewhere in the United States by providing a system, for example, the Trackimo 3G Guardian GPS Tracker (“Trackimo 3G”) is a tracking device that satisfies the preamble of Claim 1: “[a] tracking device.” *See* <http://store.trackimo.com/products/3g-trackimo-guardian>; Figure 1.

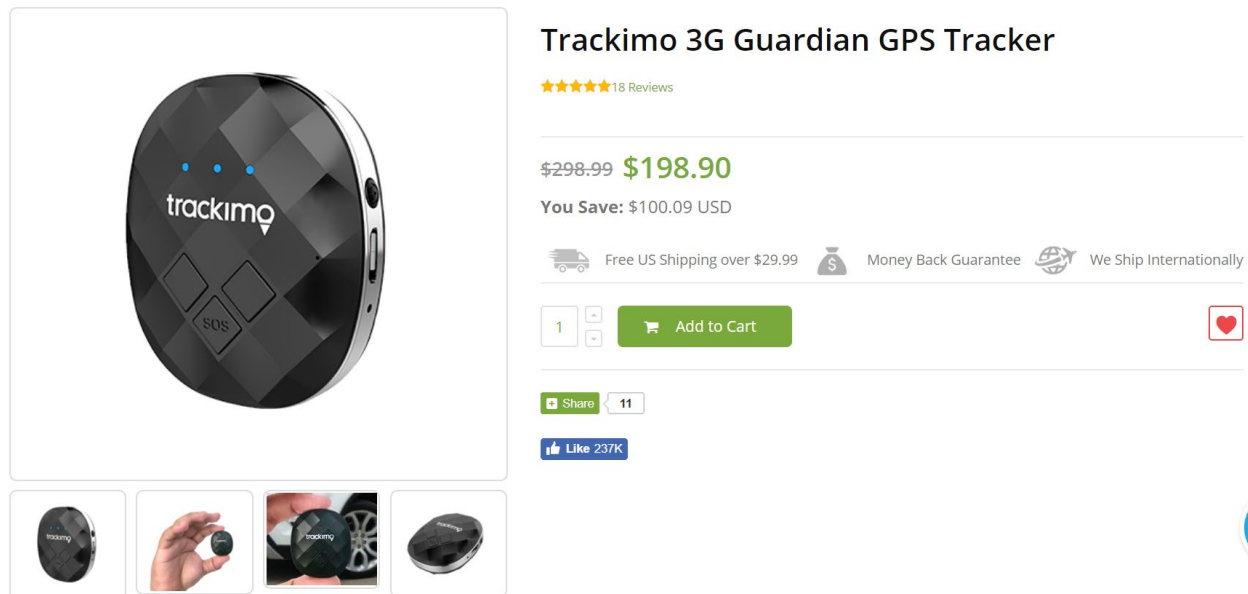


Figure 1. The Trackimo 3G is a tracking device.

14. Trackimo’s Infringing Product satisfies claim element 1(a): “a location detector operative to determine locations of said tracking device.” For example, the Trackimo 3G uses GPS to determine the location of the device. *See* <http://store.trackimo.com/products/3g-trackimo-guardian>; Figure 2.

More Information	Reviews	Specification	Tracking Features	GPS Specifications
Power Consumption	Acquisition 24 mv Track 17mv			
GPS Antenna	Ids-passive antenna			
Channels	22 tracking 66 acquisition			
Accuracy	< 5 meters open sky			
Acquisition mode	Hot start < 2 seconds Cold start < 24 seconds			
Data Encryption	Available			
Storage Facility	USA Peer 1			
Hosted Storage	On board capacity for 1000 tracking points			
Service Storage	Unlimited points			
Accelerometer	Motion Detector			

Figure 2. The Trackimo 3G uses GPS to determine the location of the device.

15. The Trackimo product satisfies claim element 1(b): “a communication device operative to communicate with a plurality of remote systems including a tracking service system associated with a tracking service provider and a device of a user associated with said tracking device.” For example, the Trackimo 3G communicates with the remote systems, including users’ PC and Android or iOS phone. *See* <http://store.trackimo.com/products/3g-trackimo-guardian>; Figure 3.

Trackimo 3G Guardian GPS Tracker is including SIM card loaded with 1 year international worldwide cellular service. Device is working out of the box easy to use, up and running within minutes.

**Mobile tracking.** Aside from accessing Trackimo’s location from your PC, users can track their device and manage all activity in real time using an Android or iOS phone. This is a perfect feature for entrepreneurs looking to manage their fleet while on the go.

*Figure 3. The Trackimo 3G communicates with the remote systems, including users' PC and Android or iOS phone.*

16. Trackimo's Infringing Product satisfies claim element 1(c): "memory for storing data and code, said data including location data determined by said location detector and configuration data." For example, the Trackimo 3G includes on-board memory that at least temporarily stores location data. *See* <http://store.trackimo.com/products/3g-trackimo-guardian>; Figure 4.

### Key Benefits

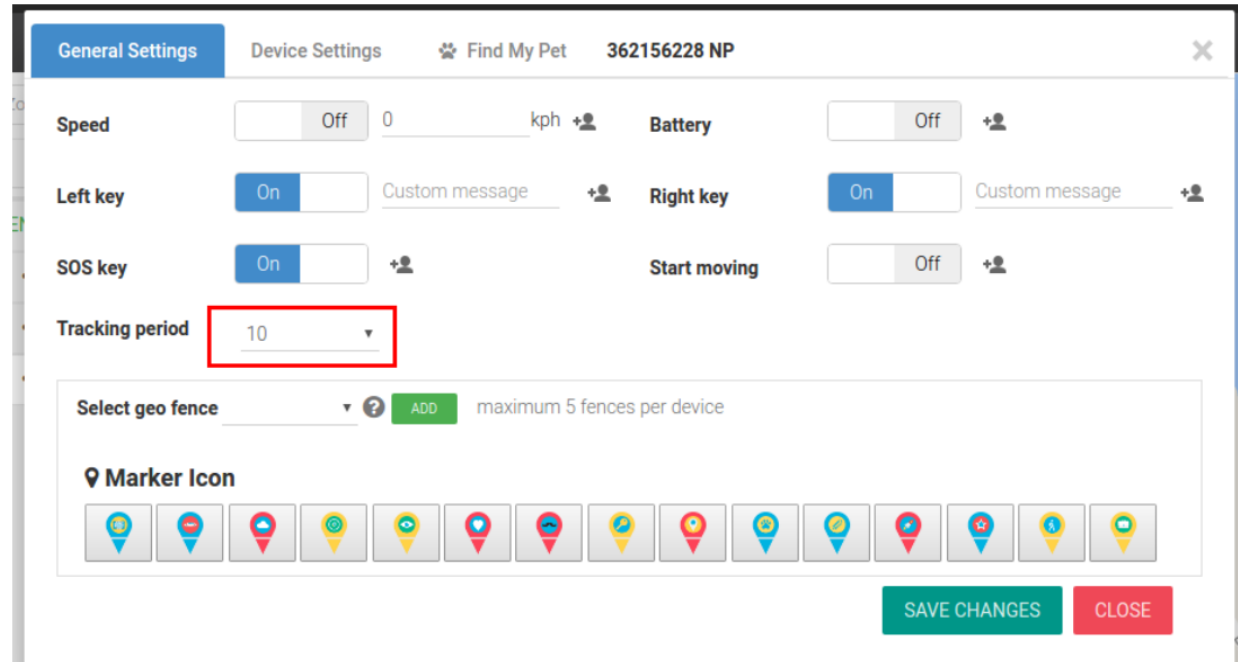
- Low Monthly Service Cost - Only \$5 per month after the first 12 month service period is over. Trackimo offers the lowest monthly service cost of any consumer tracking device worldwide. No roaming fees.
- Worldwide Coverage - Trackimo device can be tracked via web or smartphone app anywhere GSM cellular reception exists worldwide
- SOS Button - With one press of the SOS button, the location can be broadcast via app notification, email, or text
- Real Time Tracking - GPS and GSM provide instant, highly accurate current location and 5 year5 of history

*Figure 4. The Trackimo 3G includes on-board memory that at least temporarily stores location data.*

17. Trackimo's Infringing Product satisfies claim element 1(d): "a processor operative to execute said code to impart functionality to said tracking device, said functionality of said tracking device depending at least in part on said configuration data." For example, the Trackimo 3G inherently includes a processor that executes code to impart functionality. *See* Figs. 1-4.

18. Trackimo's Infringing Product satisfies claim element 1(e): "a configuration routine operative to modify said configuration data responsive to a communication from said remote system." For example, the Trackimo 3G is configured to vary the tracking/reporting intervals based on specific times or time ranges. *See* [http://trackimo.com/tum\\_post/2-4-device-](http://trackimo.com/tum_post/2-4-device-)

location-frequency/; Fig. 5.



The device location frequency can be set by the user. This setting determines how often the device reports its location to you through the Trackimo system.

*Figure 5. The Trackimo 3G is configured to differentiate the tracking/reporting intervals based on specific times or time ranges.*

19. Trackimo's Infringing Product satisfies claim element 1(f): “wherein said configuration data modifiable responsive to said communication from any of said remote systems at least partially determines an interval for buffering said location data when said communication device is unable to communicate said location data to at least one of said remote systems.” For example, if the Trackimo 3G cannot communicate with the server because there is no cellular coverage at the present location, it will store the locations in memory until communication with the server is possible again. The buffering occurs based on the pre-defined times. *See* [https://trackimo.com/tum\\_post/2-4-device-location-frequency/](https://trackimo.com/tum_post/2-4-device-location-frequency/); Figure 6.

Manual	The device location will only update when the user clicks the update location button; this ensures the longest battery life to the device.
1 Minute	The device will update its location every 1 minute; this mode will cause the device to have the shortest battery life.
5 Minutes	The device will update its location every 5 minutes; this mode will cause the device to have a short battery life.
30 Minutes	The device will update its location every 30 minutes; this mode will cause the device to have a moderate battery life.
120 Minutes	The device will update its location every 120 minutes; this mode will cause the device to have a long battery life.

*Figure 6. If the Trackimo 3G cannot communicate with the server because there is no cellular coverage at the present location, it will store the locations in the memory until communication with the server is possible again. The buffering occurs based on the pre-defined times.*

20. Trackimo's Infringing Product satisfies claim element 1(g): “wherein said interval for buffering at least partially controls how frequently newly acquired location data will be stored in said memory.” For example, if the Trackimo 3G cannot communicate with the server because there is no cellular coverage at the present location, it will store the locations in the memory until communication with the server is possible again. The buffering occurs based on the pre-defined times. *See* [https://trackimo.com/tum\\_post/2-4-device-location-frequency/](https://trackimo.com/tum_post/2-4-device-location-frequency/); Figure 6.

21. Inventergy is entitled to recover damages adequate to compensate it for such infringement in an amount no less than a reasonable royalty under 35 U.S.C. § 284.

22. Inventergy will continue to be injured, and thereby caused irreparable harm, unless and until this Court enters an injunction prohibiting further infringement.

#### **JURY DEMAND**

Under Rule 38(b) of the Federal Rules of Civil Procedure, Inventergy respectfully requests a trial by jury on all issues so triable.

**PRAYER FOR RELIEF**

WHEREFORE, Inventergy asks this Court to enter judgment against Trackimo, granting the following relief:

- A. A declaration that Trackimo has infringed the Patent-in-Suit;
- B. An award of damages to compensate Inventergy for Trackimo's direct infringement of the Patent-in-Suit;
- C. An order that Trackimo and its officers, directors, agents, servants, employees, successors, assigns, and all persons in active concert or participation with them, be preliminarily and permanently enjoined from infringing the Patent-in-Suit under 35 U.S.C. § 283;
- D. An award of damages, including trebling of all damages, sufficient to remedy Trackimo's willful infringement of the Patent-in-Suit under 35 U.S.C. § 284;
- E. A declaration that this case is exceptional, and an award to Inventergy of reasonable attorneys' fees, expenses and costs under 35 U.S.C. § 285;
- F. An accounting of all damages not presented at trial;
- G. An award of prejudgment and post-judgment interest; and
- H. Such other relief as this Court or jury may deem proper and just.

Dated: May 29, 2019

Respectfully submitted,

/s/ Isaac P. Rabicoff  
Isaac P. Rabicoff  
RABICOFF LAW LLC  
73 W. Monroe Street  
Chicago, IL 60603  
(773) 669-4590  
[isaac@rabilaw.com](mailto:isaac@rabilaw.com)



*Counsel for Plaintiff*